

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ARTHUR CHARLES LIGGINS,

Petitioner, No. CIV S-02-1615 EJG GGH P

vs.

DIANE K. BUTLER, et al.,

Respondents. ORDER

_____/ Petitioner is a state prisoner proceeding pro se with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. This action is on appeal to the Ninth Circuit Court of Appeals. On July 14, 2005, petitioner filed a request for the excerpt of record. Petitioner cites Fed. R. App. P. 10 in support of this request.

Rule 10(b) provides that within ten days after filing the notice of appeal, the appellant must either order from the reporter a transcript of the proceedings not already on file as the appellant deems necessary or file a certificate stating that no transcript will be ordered. In the instant case, only one hearing was held. On April 22, 2004, petitioner's then-counsel appeared at a status conference to schedule an evidentiary hearing. The date of the evidentiary hearing was later vacated. No transcript was prepared from the April 22, 2004, status conference.

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1 Because petitioner has not identified the specific transcripts he is seeking, and
2 because the proceedings of the April 22, 2004, status conference are not relevant to petitioner's
3 appeal, his request for excerpts of record is denied.

4 If petitioner meant to refer to Fed. Rules of App. Pro. 30 (regarding an appendix
5 of relevant documents from the record), petitioner is informed that the district court does not
6 determine what is contained in such an appendix (excerpts of record), nor is it the district court's
7 responsibility to prepare such an excerpt.

8 Accordingly, IT IS HEREBY ORDERED that petitioner's July 14, 2005, request
9 for excerpts of record is denied.

10 DATED: 8/8/05

11 /s/ Gregory G. Hollows

12 GREGORY G. HOLLOWNS
13 UNITED STATES MAGISTRATE JUDGE

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